

10330. Misbranding of Lungardia. U. S. * * * v. 5 Dozen Bottles or Packages of Lungardia, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 11535, 11536. I. S. Nos. 3016-r, 3019-r. S. Nos. W-546, W-547.)

On December 1, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14½ dozen bottles, or packages, of Lungardia, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Lungardia Co., Dallas, Tex., on or about April 12 and September 18, 1919, respectively, and transported from the State of Texas into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of kerosene oil, turpentine oil, cassia oil, clove oil, extract from a laxative plant drug, sugar, gum, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the label thereon failed to bear a statement of the quantity of alcohol contained in the said article, whereas it contained 1.2 per cent of alcohol. Misbranding was alleged in substance for the further reason that the following therapeutic effects of the said article were claimed in the labeling thereof, to wit, (carton) "Guard Your Lungs With Lungardia * * * Against Influenza Consumption Pneumonia * * * A Most Wonderful Remedy A Real Guardian For The Lungs * * * A Real Guardian * * * Against * * * Pneumonia And Consumption. * * * Compounded To Combat Influenza * * * In All Its Stages With Marvelous Success—Even After The Disease Has Reached * * * Acute Pneumonia, Reducing The Temperature Quickly And Opening The Lungs And Respiratory Organs As A 'Key Unlocks A Door.' * * * The Most Wonderful Remedy For Sore Throat, Croup And Diphtheria * * *" (circular) "Lungardia * * * will do more for the prevention and relief of Influenza, Pneumonia, Deep-seated Coughs * * * than any other known remedy. * * * Pneumonia, due to the presence of Influenza bacillus. The function of Lungardia is to destroy this germ, open up the respiratory organs, remove the thick masses of sputum, soothe and heal the irritation, * * * and remove the danger that * * * Consumption may not become active. * * * Knowing that thousands were dying daily from the Influenza and suffering from resultant conditions, * * * the Lungardia Company labored faithfully to put Lungardia on the market * * * to combat the disease, as well as the conditions preceding and following it. * * * wonderful results obtained from its use, * * * wonderful merits of Lungardia in deep-seated coughs * * * a few doses quickly opens up the respiratory organs and loosens the most deep-seated cough. * * * attacks the disease with power * * * In * * * Consumption, two or more doses may be taken daily, * * * If you have any annoying cough, * * * if you are recovering from Influenza, * * * if you have a hacking tight cough and sore lungs, * * * if suffering with acute Pneumonia, use Lungardia. You will find it to be all that it is represented * * *," (testimonials in circular) " * * * if one takes Lungardia soon enough, he or she simply will not contract the Influenza or Pneumonia. If they take it after the disease has asserted itself, it will begin from the first dose to arrest it. If * * * they have the persistent cough and sore lungs, that so often remain as an annoying condition, it will quickly dispel it; relief being noted in a very short time. * * * I have not known of Lungardia Failing In A Single Case. The Influenza or Pneumonia has no terror for me if I can get this remedy. * * * if this remedy was used in every home the dread of Influenza and Pneumonia * * * would be * * * eliminated * * * Influenza * * * a racking cough * * * a high fever * * * and lungs apparently closing fast. * * * Lungardia was administered. * * * within two hours fever was reduced to normal * * * patient easy and convalescent. * * * I have * * * suffered with a * * * persistent * * * deep-seated painful cough * * * for three weeks. * * * Lungardia * * * quickly reached the seat of the trouble, invading the cells of the lungs, loosening the phlegm from the throat, and as marvelous as it may seem, in thirty-six hours dispelling the cough * * *," (bottle label) "Guard Your Lungs With Lungardia * * * Against Influenza Consumption Pneumonia * * * A Most Wonderful Remedy A Real Guardian For